

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

HOUSE OF BRANDS KJ PTY LTD.,

Plaintiff,

v.

Case No.: 1:18-cv-00494-WES-LDA

ALEX AND ANI, LLC, ALEX AND ANI
SOUTH SEAS, LLC; and OMAR AJAJ,
individually,

Defendants.

**SUBMISSION OF DESIGNATIONS AND OBJECTIONS
FOR THE DEPOSITION OF STEPHEN GILES**

Plaintiff House of Brands KJ Pty. Ltd (“House of Brands”) hereby re-submits the parties’ affirmative and counter designations of the deposition testimony of Stephen Giles,¹ as well as the parties’ objections thereto.² As further described below, House of Brands has provided two versions of the designations and objections (attached Exhibits A and B).

- Exhibit A are the parties’ affirmative and counter designations, which were **timely** disclosed pursuant to the parties’ agreed deadlines for exchanging designations and objections.
- Exhibit B are the parties’ affirmative and counter designations, which includes additional designations that were **untimely** submitted by Defendants. House of Brands objects to Defendants’ additional untimely designations included in Exhibit B.

¹ House of Brands is contemplating calling one of Defendant Alex and Ani’s corporate representatives, Rebecca Vota, live or by deposition depending on how the trial goes. If House of Brands decides to use deposition designations, it will be a very limited amount that the Court will be able to efficiently handle at trial. House of Brands therefore does not think it will be necessary to re-submit the designations for this witness. The select designations that House of Brands may use for this witness were included in the Joint Submission of Deposition Designations and Objections (ECF No. 52) (“Joint Submission”).

² One point of clarification for designations identified as “Plaintiff’s Rule 106 designations”: these are optional completeness designations based upon Plaintiff’s objections to Defendants’ affirmative designations, and should only be permitted to the extent the Court permits Defendants’ related affirmative designations.

Following the Court's June 23, 2020 Text Order, the parties agreed upon a specific schedule for exchanging affirmative and counter deposition designations to give the parties sufficient opportunity to review the designations and assert objections prior to the Court's deadline for the joint submission of deposition designations on September 8, 2020. After exchanging designations and objections by the agreed deadlines, House of Brands combined its designations and objections with a copy of Defendants' designations and objections, thereby creating the Joint Submission (ECF No. 52). House of Brands provided a draft Joint Submission to Defendants on the evening of September 7, 2020, and requested that Defendants inform House of Brands of any errors prior to House of Brands filing the submission the following morning before the pre-trial conference. Having received no response, House of Brands filed the Joint Submission the following morning.

In the evening after the pre-trial conference, Defendants indicated that they did not consent to the Joint Submission, and provided House of Brands with additional designations (as indicated in Exhibit B) for the deposition of Mr. Giles. They also indicated that they may add or change designations for other depositions as well.

House of Brands objects to Defendants' additional designations of Mr. Giles' deposition testimony, and any other additional designations Defendants provide prior to trial. Such additional designations at this stage are improper, as it unfairly forces House of Brands to assert new objections and counter designations, just days before trial and after the Court's deadline for same has expired.

Dated: September 10, 2020

Respectfully submitted,

/s/ Robert G. Flanders, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2020, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Robert G. Flanders, Jr.

Robert G. Flanders, Jr.